

REMARKS:

The above amendments and following remarks are responsive to the points raised in the April 8, 2004 non-final Office Action. Upon entry of the above amendments, Claims 1 and 13 will have been amended. Claims 1-14 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Information Disclosure Statement of December 2, 2002

On December 2, 2002, Applicant filed an Information Disclosure Statement (IDS) citing Taiwanese publication TW 380251, published October 23, 1998, and its English language counterpart US Patent 6,137,102, issued October 24, 2000. Since the April 8, 2004 non-final Office Action did not include a copy of the Form PCT-1449 Information Disclosure Citation, initialed, signed, and dated by the Examiner, Applicant believes that the IDS has not been considered by the Examiner.

In the event the IDS has been lost or misplaced by the United States Patent and Trademark Office, a copy of the December 2, 2002 IDS and date stamped post card receipt accompany the instant Amendment. As such, Applicant requests that the Examiner consider the cited prior art and return a copy of the initialed, dated, and signed Form-1449 to Applicant with the next Office Action.

Response to Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 13 has been rejected under 35 U.S.C. § 112, Second Paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Examiner urges, in effect, that the Claim 13 language of

“driving means for changing a relative position between the image sensor and an object to be read” is indefinite.

Applicant has amended Claim 13 to overcome the rejection. Accordingly, the rejection under 35 U.S.C. § 112, Second Paragraph, should be withdrawn.

Response to Rejection under 35 U.S.C. § 102(b)

Claims 1-5, 10, 11, and 14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,489,992 to Endo. Applicant traverses this rejection.

Claim 1 has been amended to better define the invention over the cited and applied prior art. More specifically, Claim 1 has been amended to recite an image sensor including a support member:

“wherein the support member is integrally formed to have a hollow shape.”

No where is it seen within the disclosure of Endo, where Endo teaches or suggests that the support member, or housing, thereof is integrally formed to have a hollow shape as now recited in Claim 1. On this basis, amended Claim 1 is distinguished over the applied prior art of Endo. Rejected dependent Claims 2-5, 10, 11, and 14 are likewise distinguished over Endo for at least the same reasons as amended Claim 1. Furthermore, Claims 12 and 13, which likewise depend upon amendment Claim 1 are also distinguished over Endo for the same reasons as Claim 1. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Response to Rejection under 35 U.S.C. § 103(a)

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being obvious over Endo in view of US Patent 5,796,928 to Toyomura et al. (Toyomura). Applicant traverses this rejection.

For at least the same reasons as discussed above with respect to Claims 1 and 10, dependent Claim 12 is distinguished over Endo and Toyomura, either alone or in combination. Nonetheless, Applicant respectfully submits that neither Endo nor Toyomura include any teaching or suggestion that would motivate one of ordinary skill in the art to modify the teaching of Endo to arrive at the invention as recited in dependent Claim 12 as presented by the Examiner. Accordingly, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Allowable Subject Matter

Claims 6-9 have been objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant concurs with the Examiner's finding.

CONCLUSION

Applicant respectfully submits that Claims 1-14 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4503, Order No. 1232-4718.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

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By: 

Brian W. Brown

Registration No. 47,265

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800 Telephone
(212) 751-6849 Facsimile